

REMARKS

In the Final Office Action dated May 6, 2003, all pending claims 1 and 45-63 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,589,280 (the Gibbons patent). Undersigned counsel appreciates the telephone conference with the Examiner given on July 2, 2003, in which the Gibbons patent and possible claim amendments were discussed. As discussed, Applicant presents herein its position regarding the Gibbons patent and presents claim amendments directed to clarify the invention further over the Gibbons patent. The Examiner's receptiveness to consider and respond to comments and amendments as discussed is greatly appreciated.

Undersigned counsel is most appreciative of the Examiner's courtesy and assistance in discussing this matter. And while Applicant believes the comments and amendments presented herein should address the Examiner's concerns, the Examiner is encouraged to call undersigned counsel should any questions or comments arise regarding the reconsideration or allowance of the claims as presented herein.

Rejection based on 35 U.S.C. 102(e):

Claims 1 and 45-63 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,589,280 (hereinafter "the Gibbons patent"). This rejection is respectfully traversed while amendments are presented herein to further distinguish the claimed invention thereover.

As discussed with the Examiner, the Gibbons et al. patent is directed to the process for producing a high-adhesion metal-on-plastic product. As indicated therein, a breakdown in plastic-to-metal adhesion results in a breakdown of the consistent metal properties of the thick second film (col. 1, lines 58-60). Thus, an improvement in metal-on-plastic adhesion is sought

{411008:}7

and identified therein as a thin metal primer layer applied between the plastic substrate and the thick functional metal layer.

Throughout the Gibbons et al. specification, the plastic substrate requiring the improved metal-on-plastic improvement is disclosed as a plastic film. Thus, to improve the metal-on-plastic adhesion properties between the plastic film and the thick metal layer known to be deposited thereon, an intermediate, thin, primer metal layer is applied between the plastic film substrate and the functional metal layer. Such a metal primer layer is described as made up of one or more metals characterized by having an oxide heat of formation of less than -50,000 calories/gm atom of metal. Therefore, this primer metal layer improves the adhesion properties of the thick, functional metal layer, made up of one or more functional metals having an oxide heat of formation greater than -40,000 calories/gm atom of metal, that is then applied to the primer metal layer.

In rejecting Applicant's claims 1 and 45-63 under 35 U.S.C. 102(e) as being anticipated the Gibbons et al. patent, the Examiner identifies several portions of the Gibbons et al. specification where a plastic film is applied to the surface of an article (col. 3, lines 46-61; col. 5, lines 24-28; and col. 8, lines 33-41). However, these citations and the structure recited therein do not appear on point with Applicants invention as previously claimed or as amended herein.

The Gibbons et al. patent discusses in the above-identified passages the use of a plastic film as the substrate for applying several metal layers and then attaching this reflective film to another surface to create a reflector, i.e. a metal or plastic reflector body, as described at col. 3, lines 54-61. However, the plastic film having reflective metal layers thereon as described by Gibbons et al. is not applied directly to the metal or plastic reflector body. An adhesive layer is required between the metal or plastic reflector body and the plastic film substrate to produce the

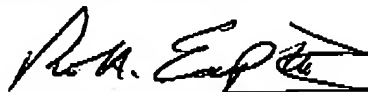
{411008;}8

desired product. Such a structure does not anticipate the claims as previously present because Gibbons does not apply a polymeric material directly onto an article substrate. As disclosed, Gibbons et al. requires that an intermediate adhesive layer adhere the plastic film substrate to the article body.

Nevertheless, so as to further clarify the claimed invention over the Gibbons et al. patent, Applicant has amended the claims as presented herein to clarify that the plastic layer deposited on the article substrate is a leveling layer providing a leveling effect to the article substrate. Applicant further identifies the numerous other layers according to the purpose. Therefore, the claims as amended herein appear to clearly distinguish over the Gibbons et al. patent that fails to describe or support any such first leveling layer deposited on an article substrate.

Therefore, based upon the above comments and the amendments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the 102(e) rejection. In light of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. Again, undersigned counsel appreciates the Examiner's helpfulness in our telephone conference of July 2, 2003. Should any questions arise, please feel free to contact me at your convenience so that any issues can be resolved immediately concerning the allowance of the presented claims.

Respectfully submitted,



Robert H. Earp, III
Reg. No. 41,004
McDonald Hopkins Co., LPA
2100 Bank One Center
600 Superior Avenue, E.
Cleveland, OH 44114-2653
(216) 430-2003

Date: July 7, 2003

{411008:}9